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Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00
DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 L-03 PA-01
PRS-01 /029 W
----------181422Z 079775 /43
P 181338Z JAN 77
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC PRIORITY 6267

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E.O. 11652: N/A
TAGS: EAIR, VE
SUBJECT: CIVAIR: GOV CHARTER REFUSALS

REF: STATE 008867

1. SUMMARY: EMBASSY REQUESTED GOV RECONSIDERATION OF WORLD AIRWAYS CHARTER FLIGHT PACKAGE PRIOR TO RECEIPT OF REFTEL AND WAS REFUSED AGAIN. GOV DID AUTHORIZE PAN AM TO FLY JANUARY 16 FLIGHT ON BEHALF OF WORLD. WE ARE RELUCTANT TO APPROACH GOV FOR THIRD TIME ON THIS PACKAGE, SINCE WE BELIEVE THAT FURTHER PRESSURE, AND IN PARTICULAR, IMPLIED THREAT AGAINST VIASA CONTAINED IN REFTEL, COULD BE COUNTER PRODUCTIVE AND COULD DAMAGE RELATIVELY FREE ACCESS NOW ENJOYED BY U.S. CARRIERS. END SUMMARY.

2. PANAM ADVISED EMBASSY JANUARY 12 THAT IT WOULD OPERATE JANUARY 16 CHARTER FLIGHTS ON WORLD'S BEHALF. WE CHECKED WITH DIRECTORATE OF AIR TRANSPORT, AND WERE ADVISED THAT AUTHORIZATION WAS GRANTED. PAN AM NEW YORK WAS NOTIFIED THROUGH ITS LOCAL OFFICE. AT SAME TIME, WE ALSO REQUESTED DIRECTORATE TO RECONSIDER WORLD'S APPLICATION FOR REMAINING FLIGHTS IN PACKAGE. DIRECTORATE ADVISED US MORNING OF JANUARY 14, PRIOR TO RECEIPT OF REFTEL, THAT IT WOULD NOT REPEAT NOT APPROVE THESE FLIGHTS IF THEY ARE TO BE MADE BY WORLD. THEY MADE CLEAR, HOWEVER, THAT APPROVAL WOULD
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BE GIVEN FOR SAME FLIGHTS IF OPERATED BY A DESIGNATED CARRIER, I.E. PAN AM. ALL OTHER FLIGHTS SCHEDULED SO FAR BY WORLD FOR THIS SEASON WILL BE AUTHORIZED.

3. EMBASSY HAS REPEATEDLY REQUESTED GOV RECONSIDER ITS POLICY OF REFUSING AUTHORIZATION FOR CHARTER ORIGINATING IN AREAS SPECIFIED IN BILATERAL AGREEMET WHEN THESE FLIGHTS ARE NOT FLOWN BY

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DESIGNATED CARRIERS. THESE REQUESTS HAVE BEEN TO NO AVAIL AND IT SEEMS UNLIKELY THAT THIS POLICY WILL BE CHANGED NOW. THE POLICY HAS BEEN IN EFFECT FOR MANY YEARS AND IS WELL KNOWN TO CARRIERS REQUESTING CHARTER FLIGHTS. ALL U.S. CARRIERS TO OUR KNOWLEDGE, WITH THE EXCEPTION OF WORLD, AVOID MAKING APPLICATIONS WHICH ARE CONTRARY TO THIS POLICY. WORLD HAS BEEN ADVISED OF THIS POLICY BY THE EMBASSY ON SEVERAL OCCASIONS.

4. EMBASSY IS THEREFORE RELUCTANT TO APPROACH GOV AGAIN ON THIS PACKAGE ON BASIS OF ARGUMENTS GIVEN IN REFTEL. GOVE IS WELL AWARE THAT BILATERAL DOES NOT DEAL WITH NON-SCHEDULED SERVICES AND DOES NOT CLAIM ITS POLICY RE CHARTERS IS BASED ON BILATERAL AS SUCH.

5. WHILE USG HAS GRANTED VIASA UNLIMITED CHARTER RIGHTS, THE GOV GIVES PAN AM AND DELTA THE SAME RIGHTS. AT THE SAME TIME, THE GOV FREELY PERMITS OTHER SCHEDULED AND NON-SCHEDULED U.S. CARRIERS, INCLUDING WORLD AIRWAYS, TO FLY CHARTERS TO VENEZUELA WITHOUT LIMIT ON NUMBER OF FLIGHTS, PROVIDED THEY ARE NOT FLOWN ON THOSE ROUTES ESTABLISHED BY THE BILATERAL AND SERVICED BY THE CARRIERS DESIGNATED BY THE BILATERAL. THIS DOES NOT HOLD TRUE AUTOMATICALLY FOR CHARTER FLIGHTS TO THE U.S. BY AVENSA, LAV AND TURORCA, ALTHOUGH ADMITTEDLY THESE HAVE NOT REQUESTED CAB FOREIGN AIR CARRIER PERMIT.

6. THE GOVE ALWAYS EMPHASIZES THAT APPLICATIONS FOR CHARTERS ARE NOT TO BE CONSIDERED REQUESTS FOR AUTHORIZATIONS BUT NOTIFICATIONS IN ORDER TO AFFORD THE GOV THE OPPORTUNITY TO SCREEN OUT FLIGHTS IT CONSIDERS ARE COMPETITIVE WITH THE LIMITED OFFICIAL USE

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SCHEDULED DESIGNATED CARRIERS AND THEIR ROUTES. TO OUR KNOWLEDGE, VENEZUELA, DURING ITS TALKS WITH THIRD COUNTRIES, IS SEVERELY LIMITING CHARTER RIGHTS BY CARRIERS OF OTHER NATIONS AND HAS ALWAYS EMPHASIZED TO EMBASSY THAT THE U.S. CHARTER CARRIERS ARE IN THE UNIQUE POSITION TO BE ABLE TO FLY AS MANY TIMES AS THEY WANT, PROVIDED THESE FLIGHTS ARE NOT TAKING PLACE ON A ROUTE SPECIFIED IN THE BILATERAL.

7. FINALLY, WE BELIEVE THAT ANY APPROACH TO GOV BASED IN PART ON THREAT TO VIASA AS IMPLIED IN LAST SENTENCE OF PARA 2 OF REFTEL MAY WELL BE COUNTERPRODUCTIVE. AT PRESENT U.S. CARRIERS, BOTH DESIGNATED AND NON-DESIGNATED, HAVE FREE ACCESS TO VENEZUELAN MARKET THROUGH CHARTERS, LIMITED ONLY BY POLICY DESCRIBED ABOVE. THE NUMBER OF CHARTER FLIGHTS AND EXTRA SECTIONS FLOWN BY OUR CHARTER CARRIERS AND BY PAN AM (DELTA APPARENTLY DOES NOT HAVE THE SAME DEMAND) FAR EXCEEDS CHARTERS OR EXTRA SECTIONS FLOWN BY VIASA. ANY THREAT TO CURTAIL VIASA'S CHARTER AUTHORITY IN THE U.S. WOULD RISK RETALIATION AGAINST CHARTERS FLOWN BY U.S. DESIGNATED AS WELL AS NON-

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DESIGNATED CARRIERS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
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SAS ID: 3575459
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: GOV CHARTER REFUSALS
TAGS: EAIR, VE, US, WORLD AIRWAYS
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